

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

Serial Number: 09/816,602

Filing Date: March 23, 2001

Title: DEVICE ENCLOSURES AND DEVICES WITH INTEGRATED BATTERY

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Dkt: 1327.010US1

REMARKS

Applicants have carefully reviewed and considered the Office Action mailed on May 23, 2005.

Claims 61-63, 93, 98-100, and 105 are currently amended. Claim 100 was amended solely to add a missing comma and correct a grammar error. Claims 1-10, 12-19, 30-53, 59-60, 81-88, 90-92, and 94-95 are cancelled. As a result, claims 11, 20-29, 54-58, 61-80, 89, and 93-121 are now pending in this application. No new matter is added.

Claim Suggestions

As suggested by the Examiner, claims 98, 99, and 105 are currently amended to correct the apparent lack of proper antecedent basis.

Claim Rejections - USC § 112

Claims 90-95 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 93 is currently amended. The "thin film battery means" has been replaced by "means for storing electrical energy". Reconsideration and withdrawal of the rejection is respectfully requested. Claims 90-92, 94, and 95 have been cancelled as described below.

Claim Rejections - USC § 102

Claims 59, 60, 90-92, 94, and 95 were rejected under 35 U.S.C. § 102(b) as being anticipated by LEW et al. (U.S. Patent 5,644,207). Applicants respectfully traverse. However, in order to expedite prosecution of allowed and allowable claims in this application, claims 59, 60, 90-92, 94, and 95 have been cancelled from the present application. Applicants reserve the right to continue prosecution of these claims in a follow on continuation or divisional application.

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Allowable Subject Matter

Claim 93 is presently amended as discussed above in the *Claim Rejections -USC § 112* section. Claims 61-63 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 61 is currently amended and rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 62 and 63 are currently amended to be dependent on claim 61, which now includes all of the limitations of the base claim and any intervening claims. Reconsideration and an early indication of allowance is respectfully requested.

Information Disclosure Statements

Applicants are in receipt of the requested examiner-initialed Form 1449 copy of Supplemental Information Disclosure Statement filed on December 15, 2003. Applicants appreciate the Examiner pointing out that the form had been initialed and is available on PAIR.

Applicants are also submitting a Supplemental IDS herewith. Applicants respectfully request that examiner-initialed copies of the Form 1449 be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

The last reference on the IDS filed on 3/15/05 was not considered by the Examiner because no date was supplied. The reference is being resubmitted with a publication date with the Supplemental IDS and Form 1449 included herewith. Reconsideration is respectfully requested.

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Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' Attorney (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 502931.

Respectfully submitted,

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By their Representatives,

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Date

15 July 2005

By

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CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306) on this 15th day of July, 2005.

Charles A. Lemaire
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